1. Acknowledge receipt of Applicant's claim for priority under 35 U.S.C. §119 on the basis of his German Application Serial No. 19917696.50 filed April 20, 1999, and that a certified copy of same was filed with the PTO on July 26, 1999. At that time, Applicant also claimed priority under 35 U.S.C. §120 based on its U.S. Application Serial Nos. 08/360,666 and 07/948,083, which in turn claim priority from German Application Serial No. P39365568.9 filed November 3, 1989.

2. Acknowledge receipt of Applicant's Information Disclosure Statement (with attached 13 references and PTO Form 1449). Each of these references should be considered and made of record in the case.

A copy of Applicant's Transmittal Letter dated July 26, 1999, Form PRO 1449 and the PTO date stamp of July 26, 1999 showing receipt of the above is enclosed herewith as Exhibit A.

Correction of the aforementioned deficiencies is respectfully requested.

To overcome the double patenting rejections based on Applicant's U.S. Patent No. 5,830,859, Applicant submits herewith a terminal disclaimer. Withdrawal of the double patenting rejection is respectfully requested.

This leaves for consideration the rejections under §112, first and second paragraphs. Applicant has amended the claims in a manner believed to overcome the rejections. Said claims are consistent with the scope of claims in Applicant's U.S. patent No. 5,830,859. Withdrawal of these rejections is respectfully requested.

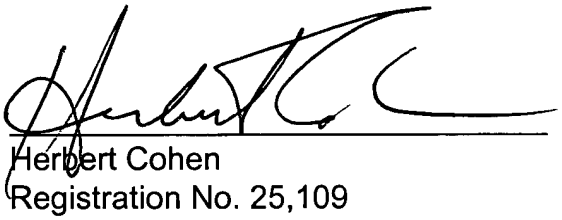
Lastly, it should be mentioned that new claims 34-39 have been added to round out the scope of protection.

For the reasons noted above, it is believed that this application is now in condition for allowance and such action is respectfully requested.

In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME COMISKY & MCCAULEY LLP, Deposit Account No. 23-2185 (109572.00101). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

Date: August 24, 2001 By: 

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 9, 16 and 22 have been cancelled.

Claims 8, 10-15, 17-19, 21, 23-25, 27 and 30-31 have been amended as follows:

--8. (Amended) Means for the at least partial production [or reproduction] of bone comprising a carrier which includes an active ingredient complex comprising at least one bone derived structural component, at least one bone derived recruiting component, at least one bone derived adhesion component, and at least one bone derived growth and/or maturation component; wherein said carrier is taken from the group consisting of polymer, ceramic, metallic and nonmetallic materials.

10. (Amended) Means according to claim [2] 8, wherein the ceramic carrier materials are selected from the group consisting of hydroxylapatite, calciumphosphate, aluminum oxide, and ionomer cement.

11. (Amended) Means according to claim [9] 8, wherein the metallic carrier material is titanium or titanium alloy.

12. (Amended) Means according to claim [9[8, wherein the nonmetallic carrier material is carbon.

13. (Amended) Means according to claim [9] 8, wherein the polymer is derived from natural monomers taken from the group consisting of amino acids, glutomic acid, lactic acid, hydroacetic acid, and copolymers thereof.

14. (Amended) Means according to claim [9] 8, wherein the polymer is a polylactate.

15. (Amended) Method of producing[, reproducing] or stabilizing vertebral structures or of fixing endoprosthesis comprising the step of implanting a means according to claim [1] 8 into living beings.

17. (Amended) Method according to claim [16] 15, wherein the metallic carrier material is titanium or a titanium alloy.

18. (Amended) Method according to claim [16] 15, wherein the nonmetallic carrier material is carbon.

19. (Amended) Method according to claim [16] 15, wherein the ceramic carrier materials are selected from the group consisting of hydroxylapatite, calciumphosphate, aluminum oxide, and ionomer cement.

21. (Amended) Method of treating osteoporosis and pseudoarthrosis or of filling bone defects comprising the step of implanting a means according to claim [1] 8 into living beings.

23. (Amended) Method according to claim [22] 21, wherein the ceramic carrier materials are selected from the group consisting of hydroxylapatite, calciumphosphate, aluminum oxide, and ionomer cement.

24. (Amended) Method according to claim [22] 21, wherein the metallic carrier material is titanium or a titanium alloy.

25. (Amended) Method according to claim [22] 21, wherein the nometallic carrier material is carbon.

27. (Amended) Method according to claim [16] 8, wherein the polymer is derived from natural monomers taken from the group consisting of amino acids, glutomic acid, lactic acid, hydroacetic acid, and copolymers thereof.

30. (Amended) Method according to claim 29[. W], wherein the polymer is a polylactate.

31. (Amended) Means according to claim 8, wherein the carrier [is in the form of a body having] comprises a lattice structure for receiving the active ingredient complex therein.

32. (Amended) Method according to claim 15, wherein the carrier [is in the form of a body having] comprises a lattice structure for receiving the active ingredient complex therein.

33. (Amended) Method according to claim 21, wherein the carrier [is in the form of a body having] comprises a lattice structure for receiving the active ingredient complex therein.